

COPY

DECLARATION FOR PATENT APPLICATION

As the below-named inventors, we hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **HEART HOMING PEPTIDES AND METHODS OF USING SAME**, the specification of which

\_\_\_\_\_ is attached hereto as Attorney Docket No. \_\_\_\_\_).

XX was filed on **June 7, 1999**, as Application Serial No. **09/326,718** (Attorney Docket No. **P-LJ 3512**).

and was amended on (or amended through) \_\_\_\_\_.  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to myself to be material to patentability as defined in Title 37, Code of Federal Regulations, Sec. 1.56.

Under Sec. 1.56, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;

Inventors: Ruoslahti and MacKenna  
Serial No.: 09/326,718  
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or (2) It refutes, or is inconsistent with, a position the applicant takes in: (i) Opposing an argument of unpatentability relied on by the U.S. Patent and Trademark Office, or (ii) Asserting an argument of patentability.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **Erkki Ruoslahti**

Inventor's signature: \_\_\_\_\_

Date: 09/28/99

Residence: **Rancho Santa Fe, California**

Citizenship: **U.S.A.**

Post Office Address: **Post Office Box 1054  
Rancho Santa Fe, CA 92067**

Full name of second inventor: **Deidre A. MacKenna**

Inventor's signature: \_\_\_\_\_

Date: 9/30/99

Residence: **San Diego, California**

Citizenship: **U.S.A.**

Post Office Address: **4614 Alhambra Street  
San Diego, CA 92107**

PATENT

Our Docket: P-LJ 4857

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: )  
Ruoslahti and MacKenna )  
 )  
Serial No.: Unknown )  
 )  
Filed: Herewith )  
 )  
For: HEART HOMING CONJUGATES )  
 )  
\_\_\_\_\_  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

**SMALL ENTITY STATEMENT**

The U.S. Patent and Trademark (USPTO) permits parties that establish status as a Small Entity to pay certain reduced fees (all citations to 37 C.F.R. § 1.27 except as noted). To be entitled to Small Entity Status, a party must be at least one of the following:

**(1) Individual person:**

An individual person, including an inventor and persons to whom an inventor has transferred some rights in the invention. § 1.27(a)(1).

**(2) Small business concern:**

A business concern whose number of employees, including affiliates, does not exceed 500 persons.  
§ 1.27(a)(2) (incorporating 13 C.F.R. § 121.802).

"Business concern" means individual proprietorship, partnership, limited liability company, corporation, joint venture, association, trust or cooperative. If the concern is a joint venture, participation by foreign business entities may not be more than 49%. 13 C.F.R. § 121.105.

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The "number of employees" is the average number of employees, including the employees of its domestic and foreign affiliates, based on numbers of employees for each of the pay periods for the preceding completed 12 calendar months.

"Employees" includes all individuals employed on a full-time, part-time, temporary, or other basis. Part-time and temporary employees are counted the same as full-time employees. If a concern has not been in business for 12 months, use the average number of employees for each of the pay periods it has been in business. 13 C.F.R. § 121.106.

Concerns are "affiliates" of each other when one concern directly or indirectly controls or has the power to control the other, or when a third party or parties controls or has the power to control both concerns. 13 C.F.R. § 121.103(a).

### **(3) Nonprofit organization:**

A university or other institution of higher education located in any country. § 1.27(a)(3)(ii)(A).

An organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a). Also included are such organizations located in a foreign country that would qualify if it were located in this country. § 1.27(a)(3)(ii)(B), (D).

A nonprofit scientific or educational organization qualified under a nonprofit organization statute of a U.S. state. Also included are such organizations located in a foreign country that would qualify if it were located in this country. § 1.27(a)(3)(ii)(C), (D).

Please note that a license to the Government resulting from a rights determination under Executive Order 10096 does not constitute a license that would prohibit claiming Small Entity

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Status. Similarly, for small business concerns and nonprofit organizations, a license to a Federal agency resulting from a funding agreement with that agency under 35 U.S.C. § 202(c)(4) is not a license that would prohibit claiming Small Entity Status. § 1.27(a)(4).

I hereby assert that I am empowered to sign on behalf of the party identified below ("Party"). Persons empowered to sign include an inventor him- or herself or an authorized officer of the assignee, where the assignee has at least an undivided part interest in the application or patent. § 1.27(c)(2).

I have made a determination of the Party's entitlement to Small Entity Status, including a determination that all parties holding rights in the invention qualify for Small Entity Status. § 1.27(f).

I hereby assert that the Party has not assigned, granted, conveyed or licensed--and is under no obligation under contract or law to do so--any rights in the invention to any other party that would not qualify as a Small Entity. If the rights in the invention held by the Party are not exclusive, each party having rights in the invention is listed below:

The Burnham Institute  
10901 North Torrey Pines Road  
La Jolla, California 92037

Separate assertions of Small Entity Status should be obtained from each party having rights to the invention.

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I hereby assert that the Party is entitled to be accorded Small Entity Status by the USPTO for the application or patent identified above. § 1.27(c)(1).

I understand that Small Entity Status must be newly determined when the issue fee and each maintenance fee is due. If there is any change resulting in loss of entitlement to Small Entity Status, I acknowledge the duty to file a notification to the USPTO in this application or patent before or upon paying the fee. § 1.27(g).

I understand that Small Entity Status must be separately established in any related application, including continuation, divisional, continuation-in-part, continued prosecution application or reissue application. § 1.27(c)(4).

I understand that any attempt to establish Small Entity Status improperly, deceptively or fraudulently will be considered a fraud practiced on the USPTO and may result in abandonment of the application or jeopardize the validity and enforceability of any resulting patent. § 1.27(h).

7/12/01  
Date

Elias Lazarides  
Signature

ELIAS LAZARIDES  
Printed Name

PRESIDENT & CEO  
Title

TARGETED MOLECULES CORPORATION  
6605 Nancy Ridge Drive  
San Diego, California 92121

Our Docket: P-LJ 4857

In re application of:  
Ruoslahti and MacKenna  
Serial No.: Unknown  
Filed: Herewith  
For: HEART HOMING CONJUGATES  

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Commissioner for Patents  
Washington, D.C. 20231

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Targeted Molecules Corporation  
6605 Nancy Ridge Drive  
San Diego, California 92121

Separate assertions of Small Entity Status should be obtained from each party having rights to the invention.

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July 17, 2001  
Date

John Campbell  
Signature

John Campbell  
Printed Name

Director of Intellectual Property  
Title

THE BURNHAM INSTITUTE  
10901 N. Torrey Pines Road  
La Jolla, California 92037 USA

Our Docket: P-LJ 4857

In re Application of  
Ruoslahti and MacKenna

Serial No: Not yet assigned

Filed: Herewith

For: HEART HOMING CONJUGATES

CAMPBELL & FLORES LLP  
4370 La Jolla Village Drive  
7<sup>th</sup> Floor  
San Diego, California 92122  
**USPTO CUSTOMER NO. 23601**